

# **EXHIBIT 257**

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Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

THE STATE OF TEXAS, et al., )  
 )  
Plaintiffs, )  
 )  
v. ) CIVIL ACTION  
 ) NO. 4:20-cv-00957-SDJ  
GOOGLE LLC, )  
 )  
Defendant. )  
\_\_\_\_\_ )

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VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF  
LUCAS TUCKER, SENIOR ASSISTANT ATTORNEY GENERAL  
LAS VEGAS, NEVADA  
MONDAY, APRIL 29, 2024

Kele R. Smith, NV CCR No. 672, CA CSR No. 13405  
Job No. 6657786

Job No. CS6657786

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Page 2

1 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF  
2 LUCAS TUCKER, SENIOR ASSISTANT ATTORNEY GENERAL,  
3 taken from Las Vegas, Nevada, on Monday, April 29, 2024,  
4 at 8:32 a.m. before Kele R. Smith, Certified Court  
5 Reporter, in and for the State of Nevada.  
6

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Page 3

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Page 4

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Also Present:

DAN ACOSTA, Concierge Exhibit Tech

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Page 51

1 specific residents or businesses or advertisers, and  
2 that's the subject of expert testimony.

3 Q. Which part of that statement did you not agree  
4 with?

5 A. Well, I don't know that we have to identify  
6 specific individuals, because under parens patriae, the  
7 State of Nevada has to show that our interest is for  
8 residents as a whole. It has to be specific -- I'm  
9 sorry. It has to be distinct from the interests of any  
10 particular one individual. So I guess whether or not we  
11 have to identify specific advertisers or publishers or  
12 consumers, I'm just not sure if we do. So I'm not  
13 saying that you are wrong, but, umm, I'm not sure that  
14 that is a true statement.

15 Q. Is it fair to say for any civil penalties sought  
16 by the State of Nevada in parens patriae capacity, the  
17 State of Nevada has to at least identify some residents  
18 of the State of Nevada was harmed by any of the alleged  
19 conduct in this case?

20 A. I don't believe that we needed to identify  
21 specific people in order to assert a parens patriae  
22 claim.

23 Q. How would the State of Nevada know its residents  
24 in general were harmed by the conduct alleged in this  
25 case when it seeks civil penalties in parens patriae

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Page 52

1 capacity?

2 MR. HENTHORN: Objection. Form.

3 A. The multistate investigation, umm, discovered  
4 harm across the nation to consumers, to advertisers, to  
5 publishers. I'm not aware of any facts that somehow  
6 distinguish Nevada consumers, advertisers, and  
7 publishers from the general impact across the nation, so  
8 I'm not aware of any facts that would have shielded or  
9 protected Nevada advertisers or publishers or consumers  
10 from the general harm across the nation.

11 Also, Nevada has, as of the 2020 census, more  
12 than 3.1 million consumers living here. As of last  
13 week, we had more than 446,000 actively registered  
14 businesses that had licenses issued by the Secretary of  
15 State, and so we look at the national harm, and I'm not  
16 aware of any facts that the harm was different here.

17 That would be the basis for our parens patriae  
18 claim. And I'll also note that it's a fact that various  
19 courts have issued opinions about a government's parens  
20 patriae authority. And many of those courts have -- I'm  
21 sorry. Many of those opinions have statements to the  
22 effect that the raw number of individuals impacted by  
23 the conduct is not determinative as to whether a  
24 substantial segment of the population was affected.

25 Furthermore, I'm aware of at least three

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Page 53

1 different bankruptcy courts that have found that a state  
2 or county has parens patriae authority when fewer than  
3 70 specific individuals were identified as being harmed  
4 by the conduct. In fact, even as low as 20 individuals.

5 And so all of those things together give us the  
6 basis to assert our parens patriae claim.

7 BY MR. ZHANG:

8 Q. Are you aware of any fact that show the  
9 nationwide impact as you alleged for Goggle conduct in  
10 this case actually impact any resident in the State of  
11 Nevada?

12 MR. HENTHORN: Objection. Form.

13 A. I can't point you to a specific fact, but I'll  
14 just say that we'll be relying on the facts that were  
15 gathered during the multistate investigation, as well as  
16 facts gathered during ongoing discovery, and including  
17 the expert reports that we'll be relying on later.

18 BY MR. ZHANG:

19 Q. So according to this row for the State of Nevada  
20 on top of Page 5 of Exhibit 3, the State of Nevada seeks  
21 injunctive relief for both of its antitrust claims and  
22 DTPA claims. Correct?

23 A. That is correct.

24 Q. Does the State of Nevada seek injunctive relief  
25 under federal antitrust law in this case?



